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10/526,232

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Roni Raviv

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66905

7590

09/15/2009

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EXAMINER

VUONG, QUOCHIE B

ART UNIT

PAPER NUMBER

2618

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,232	<b>Applicant(s)</b> RAVIV ET AL.	
	<b>Examiner</b> Quochien B. Vuong	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 614-616 and 618-632 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 614-616 and 618-632 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 614-616 and 618-632 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 118 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 118 recites the limitation "said plurality of user-actuable contact locations" in claim 618, lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

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Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 619, 620, 622-628 and 630-632 are rejected under 35 U.S.C. 102(e) as being anticipated by Yap et al. (US 2003/0191713).

Regarding claim 619, Yap et al. disclose a server (150, figure 6a-b) for effecting a selected transaction in response to a request triggered by a user-interface card (10A, figure 1; 10D, figures 6a-b) upon user-actuation of a selected one of a plurality of information modules retained in said card each of said information modules relating to a subset of a plurality of transactions and conveyed to the server via an intermediary communications device (100, figures 6a-b), said transaction being one of a plurality of transactions, said server comprising: a first communications interface configured for establishing communication with the intermediary communications device and being adapted to receive therefrom a signal encoding information uniquely identifying the user interface card and an actuated information module thereof so as to identify to the server which of said plurality of transactions is selected, a decoder coupled to the first communications interface for decoding said signal conveyed by the intermediary communications device to determine the identity of the user interface card and the selected information module, a management module coupled to the decoder and being responsive to the identity of the user interface card the selected information module for accessing a database for determining user entitlement associated with the selected

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transaction, and a second communications interface coupled to the management module for conveying data relating to a transaction to which the user is entitled ([0106], [0108], [0118], and [0120])

Regarding claim 620, Yap et al. disclose wherein the database stores data identifying the following: all supported transactions, each user interface card, the corresponding information modules of the user interface card, the respective subset of transactions supported by each user interface card, respective user entitlement associated with each supported transaction ([0248], [0734]).

Regarding claim 622, Yap et al. disclose wherein the first communications interface is configured for communicating with the intermediary communications device via anyone of the group: sound, IR, RF, SMS, WAP, WEB, BlueTooth (figures 6a-b).

Regarding claim 623, Yap et al. disclose wherein the data relating to a transaction to which the user is entitled includes content to be conveyed to or on behalf of the user ([0106], [0108]).

Regarding claim 624, Yap et al. disclose wherein the second communications interface is configured to download the content to the intermediary communications device ([0106],[0108]).

Regarding claim 625, Yap et al. disclose a method for effecting a selected transaction in response to a request triggered by a user-interface card (10A, figure 1; 10D, figures 6a-b) upon user-actuation of a selected one of a plurality of information modules retained in said card, each of said information modules relating to a subset of a plurality of transactions and conveyed to the server via an intermediary communications

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device, said transaction being one of a plurality of transactions, said method comprising: receiving from the intermediary communications device a signal encoding information uniquely identifying the user interface and an actuated information module thereof so as to identify to the server which of said plurality of transactions is selected; decoding said signal to determine an identity of the user interface and the selected information module, accessing a database for determining user entitlement associated with the selected transaction; and conveying data relating to a transaction to which the user is entitled ([0106], [0108], [0118], [0120], [0248], [0734]).

Regarding claim 626, Yap et al. disclose including establishing communication with the intermediary communications device prior to user-actuation of the information module ([0106], [0108]).

Regarding claim 627, Yap et al. disclose a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform a method for effecting a selected transaction in response to a request triggered by a user-interface card (10A, figure 1; 10D, figures 6a-b) upon user-actuation of a selected one of a plurality of information modules retained in said card, each of said information modules relating to a subset of a plurality of transactions and conveyed to the server via an intermediary communications device, said transaction being one of a plurality of transactions, said method comprising: receiving from the intermediary communications device a signal encoding information uniquely identifying the user interface card and an actuated information module thereof so as to identify to the server which of said plurality of transactions is selected; decoding said signal to determine an

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identity of the user interface card and the selected information module; accessing a database for determining user entitlement associated with the selected transaction; and conveying data relating to a transaction to which the user is entitled ([0106], [0108], [0118], [0120], [0248], [0734]).

Regarding claim 628, Yap et al. disclose a computer program product comprising a computer useable medium having computer readable program code embodied therein for effecting a selected transaction in response to a request triggered by a user-interface card (10A, figure 1; 10D, figures 6a-b) upon user-actuation of a selected one of a plurality of information modules retained in said card each of said information modules relating to a subset of a plurality of transactions and conveyed to the server via an intermediary communications device, said transaction being one of a plurality of transactions, said computer program product comprising: computer readable program code for causing the computer to receive from the intermediary communications device a signal encoding information uniquely identifying the user interface card and an actuated information module thereof so as to identify to the server which of said plurality of transactions is selected, computer readable program code for causing the computer to decode said signal to determine an identity of the user interface card and the selected information module, computer readable program code for causing the computer to access a database for determining user entitlement associated with the selected transaction, and computer readable program code for causing the computer to convey data relating to a transaction to which the user is entitled ([0106], [0108], [0118], [0120], [0248], [0734]).

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Regarding claim 630, Yap et al. disclose wherein the content downloaded to the intermediary communications device is selected from the following group: a ringtone, a video clip, sports statistics, a catalogue of fashion apparel, an electronic game, music.

Regarding claim 631, Yap et al. disclose wherein the intermediary communications device is selected from one of the following group: a mobile telephone, a personal digital assistant (PDA), and a cable network (figures 6a-b).

Regarding claim 632, Yap et al. disclose wherein said transaction is selected from the following group: ordering a musical compact disk, ordering a video, entering a lottery, and buying communication access to a fan club ([0106], [0108]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to



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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 614-616, 618 and 629 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yap et al. in view of Redford et al. (US 5,788,507).

Regarding claim 614, Yap et al. disclose a user-interface card (10A, figure 1; 10D, figures 6a-b) for triggering a server to effect a selected transaction via an intermediary communications device, said user-interface card comprising: a circuit board defining a plurality of contact locations (14, figure 1) (emulated buttons on card represent locations card reader touch screen where contact needs to be made in order to execute a desired action) (see paragraphs [0095]-[0100]) and housed within a pair of substrates, at least one of which is printed on a surface thereof so as to portray application-specific visual graphics, each visual graphic depicting a respective transaction, and each visual graphic being proximate a respective one of the contact locations a plurality of information modules each relating to a selected transaction, each information module being operative to actuate a respective transaction on said server in response to actuation of a pre-determined contact button defined upon said user interface card; an encoder coupled to each of the information modules for generating a signal encoding information uniquely identifying the user interface card and an actuated information module thereof so as to identify to the server which of said plurality of transactions is selected; and a transmitter coupled to the encoder for transmitting said signal to the intermediary communications device; wherein after communication with a server is initiated by a user via said intermediary communications device and after

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actuation of one of said contact locations defined upon said user interface card, said encoder and said transmitter arc adapted to relay information relating to the selected transaction to the server via said intermediary communication device to effect the server to perform a selected transaction ([0106], [0108], [0118], [0120], [0248], [0734]). Yap et al. does not specifically disclose the user interface card being operable to provide the user-actuable contact buttons without use of a separate card reader touch screen. In a similar field of endeavor, Redford et al. teach a user-interface card having card having user-actuable contact locations without use of a separate card reader touch screen (see Redford, column 13, line 1-column 14, line 44). Therefore, it would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Redford, into those of Yu to reduce the hardware requirements of Yap, by eliminating the need for a separate card reader touch screen.

Regarding claim 615, Yap et al. disclose wherein the intermediary communications device is selected from one of the following group: a mobile telephone, a personal digital assistant (PDA) and a cable network (figures 6a-b).

Regarding claim 616, Yap et al. disclose wherein the transmitter is coupled to an appropriate transducer for transmitting said signal to said intermediary communications device as sound or IR or RF; respectively ([0106], [0108]).

Regarding claim 618, Yap et al. disclose the user-interface card including functionality which limits access to at least one of a plurality of information modules in response to user actuation of a corresponding at least one of said plurality of user-

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actuable contact buttons according to a parameter associated with the user-interface card ([0106], [0108], [0118], [0120]).

Regarding claim 629, Yap et al. disclose wherein said transaction is selected from the following group: downloading a ringtone, downloading a video clip, downloading sports statistics, downloading a catalogue of fashion apparel, downloading an electronic game, downloading music, ordering a musical compact disk, ordering a video, entering a lottery, and buying communication access to a fan club ([0106], [0108]).

Claim 621 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yap et al. in view of Preiss et al. (US 7,333,810).

Regarding claim 621, Yap et al. do not specifically disclose an audio response module for providing an Interactive Voice Response to the intermediary communications device for vocally informing a user on use of the user interface card. However, Preiss et al. disclose an audio response module for providing an Interactive Voice Response (column 5, line 63 – column 6, line 20). Therefore, it would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Preiss et al., into those of Yu to audibly alert the user of user's selection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B. Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quochien B Vuong/  
Primary Examiner, Art Unit 2618